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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,305	12/04/2003	Odd N. Oddsen JR.	INNOFF 3.0-028	9598
530	7590	03/23/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,305

Applicant(s)

ODDSEN ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3242004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first office action for U.S. Application 10/728,305 for a Universal Wall Mounting Bracket filed by Odd N. Oddsen Jr. on December 4, 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 14-28 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0056541 A1 to Kokubunji et al. Kokubunji et al. discloses a mounting assembly adapted to engage a slat wall with a main body (210 and first and second arms 220) and a mount (211 or 212) attached to the main body and adapted to receive a mounting device. There is a first clip assembly attached to the main body and remote from the mount, the first clip assembly engageable with a slat wall and including an upper clip (300 at the top left) and a lower clip (300 at the lower left). There is a second clip assembly attached to the main body and remote from the mount, the second clip assembly engageable with a slat wall and including an upper clip (300 at the top right) and a lower clip (300 at the lower right). The second clip assembly is spaced apart from the first clip assembly and the clips include a J-shaped clip and have a zig-zag shape (at 350). The clips of the first and second clip assemblies are fixedly secured to the main body, but the lower clips can be adjusted independently by removing the bolts

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(330) that can be accessed at access points (the top of the main body. The clip assemblies have an adjustment means (330 and holes 331, 122D, and 222D) and the adjustment means includes a threaded bolt (330) that is received into chambers of the main body (the holes 122D and 222D). The central portion and arms combine to form a channel therebetween (the recess between arms 220 due to the width of 210) with the clips of the arms angled away from the mount, and a cable could be inserted through the channel.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,191,701 to Wood. Wood discloses a mounting assembly with a main body (17) and a mount (14) attached to the main body and adapted to receive a mounting device. There is a first clip assembly (19) and a second clip assembly (25), each remote from the mount, with the second clip assembly being spaced apart from the first assembly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of U.S. Patent 5,255,803 to Pavone et al. Woods discloses screws (50) engaging holes in the mount, but does not disclose a bushing in the openings of the mount or a set screw adapted to engage the bushing. Pavone et al. discloses the use

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of bushings (12 and 15) and set screws (64 and 66) for securely interlocking parts together. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized a set screw and bushing arrangement on the device taught by Wood, as taught by Pavone et al., for the purpose of securely interlocking the mount to a part.

Claims 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokubunji et al. in view of U.S. Patent 4,386,500 to Sigafoose. Kokubunji et al. discloses the components claimed, but does not disclose the components of the mounting structure in a kit. Sigafoose discloses providing a kit with components for conversion and installation of a heat exchanger. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided the components of Kokubunji et al., in a kit as taught by Sigafoose, for the purpose of simplifying conversion and installation of the system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,705,387 B2 to Kokubunji et al.

U.S. Patent 5,996,264 to Nagel

U.S. Patent 6,349,909 B1 to Zarrow et al.

U.S. Patent 6,289,618 B1 to Kump et al.

U.S. Patent 6,601,808 B1 to Nagel

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U.S. Patent 6,698,124 B2 to Kump et al.

U.S. Patent 6,773,080 B2 to Chen et al.


U.S. Patent 6,604,637 B2 to Lane et al.

U.S. Patent 6,758,454 B2 to Smed


U.S. Patent D455,255 S to Zeigler

The above patents all disclose clip arrangements and various mounting devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168 or (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Steven M. Marsh

March 15, 2005


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER